

CONGRESSIONAL RECORD — SENATE *Ag 7* *MC CARTHY* *13793*
Penal H. BALDWIN

place of public accommodation, resort, or amusement.

"(3) The full and equal privilege to purchase or rent any item of real estate, goods, commodities, services, or any other thing offered for charge to others.

"(b) No person being the owner, proprietor, superintendent, manager, agent, or employee of any publicly licensed business or any other business or industrial establishment, shall directly, indirectly or by subterfuge, deny employment in or at such business to any applicant therefor, or engage in or permit any discrimination or differential in pay or working conditions for workers doing the same work, on account of race, creed, color, or national origin, subject only to the conditions and limitations established by law and applicable in like manner to all persons.

"(c) No person being an officer, agent or employee of a labor organization shall directly, indirectly or by subterfuge deny membership in such organization to any applicant therefor, on account of race, creed or color, or national origin, subject only to the conditions and limitations established by law and applicable in like manner to all persons.

"(d) No person, being the owner, proprietor, lessee, superintendent, agent, or employee of any place of public accommodation, resort or amusement, shall directly or indirectly or by subterfuge—

"(1) withhold from or deny to any other person any of the accommodations, advantages, facilities, or privileges thereof; or

"(2) adopt or pursue any custom, policy, practice, requirement or secret understanding, or any custom or policy of non-membership discrimination or guest-card requirement with respect to the operation or management of such place which is intended, calculated or designed to, or which shall have the effect of discriminating against any other persons on account of race, creed, color, or national origin, or by reason of non-membership in a club.

"(e) No person, being an officer, owner, proprietor, manager, superintendent, lessee, agent or employee of any business or club, engaged in selling, leasing or renting any plots of land, building sites, lots, estates, houses, apartments, or any other item of real estate shall, directly, indirectly or by subterfuge, deny to any other person the right to purchase, lease or rent any such item of real estate, on account of race, creed, color or national origin, subject only to the conditions and limitations established by law, and applicable in like manner to all persons.

"(f) Any restrictive covenant or condition or other provision in a deed, contract or writing of whatsoever nature relating to the conveyance, sale, lease or rental, of real estate, or any interest therein, which in any manner prohibits or restricts the conveyance or resale, ownership, use or enjoyment of such real estate or interest therein on account of race, creed, color or national origin, is contrary to public policy and hereby declared null and void, and of no effect whatsoever. Likewise any covenant, condition, or provision in such deed, contract or writing requiring resale back to the seller or to some other particular person, corporation, or group or any other special option on the part of the seller, except in family relationship and government homestead deeds, is hereby declared to be subterfuge and also void and of no force whatsoever.

"(g) The use of any roadway or street into, within or through any subdivision of residential development of 10 or more dwellings, which roadway or street is open to the use of any other persons as guests, visitors or permittees, other than the actual inhabitants thereof, shall not be denied or restricted directly, indirectly or by subterfuge, to any person on account of race, creed,

color or national origin, subject only to the conditions and limitations established by law and applicable in like manner to all persons.

"4. **PLANS INFORMATION AS TO CLUB FACILITIES, LICENSES, CHARGES, ETC., INFORMATION AND REGISTRATION**

"(a) No later than January 15 of each year, any person maintaining, owning, leasing, possessing, or operating any club facilities consisting of physical property such as land, beaches, or buildings shall file with the Government Secretary—

"(1) a statement of the licenses he holds to sell liquor, food or drink, or to rent rooms, or to charge for any other use or occupancy of property, facility, service or beach, together with a statement of what articles, if any, are sold, what rooms, if any, are rented, and what other facilities or services are maintained for charge; and

"(2) if an incorporated or unincorporated association of individuals, a copy of its constitution and bylaws, together with a list of all duly elected officers and directors and a list of all members of the association—

all of which must be certified upon oath.

"(b) If any charges, as described in subsection (a) of this section, are made either to members or nonmembers of clubs, the statement required by such subsection shall also include an affidavit by the president and manager of the club in each such case, certifying that there is no discrimination in such sales, renting, or use based upon race, creed, color, national origin, or nonmembership in the club.

"(c) Any place at or on which charges are made in any manner for any article, or for the use or occupancy of any property, facility, or service located or operated thereon is expressly declared to be a place of public accommodation, resort, or amusement within the spirit and meaning of this act, and shall, upon determination as such by the Government Secretary or the District Court of the Virgin Islands, be so registered in the office of the Government Secretary.

"5. **TUITION CHARGES BY PAROCHIAL OR DENOMINATIONAL SCHOOLS; ADMISSION TO RELIGIOUS SCHOOLS MAINTAINING SCHOOLS**

"This act shall not be construed as preventing a reasonable difference in charges by parochial or denominational schools for tuition of members and nonmembers or preference in admission to members of the religious body maintaining the school.

"6. **ENFORCEMENT BY COMMISSIONER OF PUBLIC SAFETY**

"The Commissioner of Public Safety shall name a panel of police officers, selected for their tact and intelligence, who shall be authorized to make periodical inspections, at reasonable times of all places holding any licenses whatsoever, or other business establishments selling any article whatsoever as covered in this act, or upon reasonable cause to investigate any club in order to see that the provisions of this act are complied with. The Commissioner shall be responsible for making said inspections either personally or by members of the panel which he has set up. Such inspections shall be made at intervals of not less than 60 days. The inspecting officer or officers shall file with the Commissioner a written report on the findings of each inspection. These reports shall form a permanent record in the office of the Commissioner of Public Safety. Any violations revealed by said reports shall be immediately referred to the Office of the Attorney General.

"7. **PENALTIES FOR VIOLATIONS**

"Whoever, whether as owner, officer, manager, agent, or employee of any business or industrial establishment, labor organization, place of public accommodation, resort or amusement, or club, violates any of the provisions of this act, shall, for each and every such violation be—

"(1) liable in actual damages, and in addition, thereto, to punitive damages not to exceed \$5,000 to be recovered in a civil action by the person aggrieved thereby or by any resident of the Virgin Islands to whom the person aggrieved may assign his cause of action; and

"(2) fined not more than \$2,000 or imprisonment not more than six months, or both.

"(3) the owner or owners of any business where an offense mentioned herein has been committed by his or its officer, manager, agent, or employee, such owner or owners shall be severally and/or jointly liable with the offender for the actual and punitive damages provided for herein.

"(4) each day of violation shall constitute a separate offense.

"(5) neither penalty nor action listed above in subsections (1) and (2) of this section, shall be a bar to the other, and recovery or action in one shall not preclude action or recovery in the other or of any other lawful remedy otherwise possessed by an aggrieved person.

"(6) any person who conspires with another person to violate any of the provisions of this act shall be liable as a principal violator and subject to all of the penalties above.

"8. **REVOCATION OF LICENSE BY THE DISTRICT COURT, PROCEDURE**

"Whenever the Attorney General of the Virgin Islands has information that any person engages in any act, or adopts or pursues any custom, policy, practice, or requirement amounting in effect to violation or evasion of this act, he shall procure a rule to show cause to issue out of the District Court of the Virgin Islands requiring such person to show cause before such Court why his license to do business should not be revoked because of an act or acts committed against public policy.

"If the Court finds that such person has violated or is violating any of the provisions of this act, it shall order his license revoked or suspended because of an act or acts committed against public policy.

"9. **REVOCATION OF LICENSE OR TAX EXEMPTION BY GOVERNOR**

"In addition to any other penalties provided for in this act, the license to conduct a business, or to sell any articles or facilities or services, or any tax or fee exemption or subsidy granted under the provisions of title 33, V.L.O., subtitle 4, or any person who violates any of the provisions of this act in connection with such business, sale of articles or facilities or services may, in the discretion of the Governor, after adequate notice and hearing, be revoked, suspended or its renewal denied.

"10. **CONSTRUCTION OF ACT**

"The courts shall construe this act liberally in furtherance of its intent as stated in section 1 of this title.

"Sec. 2. This act shall become effective immediately upon approval."

Thus passed by the Legislature of the Virgin Islands on June 2, 1961.

Witness our hands and the seal of the legislature this 2d day of June, A.D. 1961.

WALTER I. M. HODGE,
President.
JOHN L. MADURO,
Legislative Secretary.

PROPOSED JOINT COMMITTEE ON FOREIGN INFORMATION AND INTELLIGENCE

Mr. MCCARTHY. Mr. President, on April 27, I introduced Senate Joint Resolution 77 on behalf of myself and 20 other Senators. The resolution would establish a Joint Senate-House Commit-